



Department of Environmental Quality

*To protect, conserve and enhance the quality of Wyoming's
environment for the benefit of current and future generations.*



Matthew H. Mead, Governor

Todd Parfitt, Director

April 22, 2015

Ms. Kelly Bott
Ultra Resources, Inc.
116 Inverness Drive East, Ste. 400
Englewood, CO 80112

RE: Notice of Violation
Docket #5569-15

Dear Ms. Bott:

Enclosed you will find a Notice of Violation (NOV) issued to Ultra Resources, Inc. by the Department of Environmental Quality, Air Quality Division, for failing to comply with applicable requirements for dust control at the Boulder 11-18 PAD facility located in Sublette County, Wyoming. This is a violation Chapter 3, Section 2(f) of the Wyoming Air Quality Standards and Regulations.

As the Department and this Division consider the failure to comply with air quality regulations to be a serious matter, I am considering recommending the Department refer this violation to the State Attorney General's office requesting a suit be filed in District Court to recover appropriate penalties. If you would like to discuss settlement of this Notice of Violation prior to referral to the Attorney General's office, please contact Ms. Ann Shed, Air Quality Compliance Program Principal, at 307-777-8601 no later than ten (10) days after receipt of this letter.

Should you have any questions or comments regarding this matter, please feel free to contact me or Ms. Ann Shed.

Sincerely,

Steven A. Dietrich
Administrator
Air Quality Division

cc: Fred DiLella
Ann Shed
Landon Brown
Tony Hoyt
Elizabeth Lyon



BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION)	
ISSUED TO ULTRA RESOURCES, INC)	DOCKET NO. 5569-15
MS. KELLY BOTT)	
116 INVERNESS DRIVE EAST, STE. 400)	
ENGLEWOOD, CO 80112)	

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality, has found Ultra Resources Incorporated to be in violation of W.S. §35-11-801 of the Wyoming Environmental Quality Act and Chapter 3, Section 2(f) of the Wyoming Air Quality Standards and Regulations (WAQSR) in the construction operations at the Boulder 11-18 PAD facility located in Sublette County, Wyoming.

2. W.S. §35-11-801 states, “In granting permits, the director may impose such conditions as may be necessary to accomplish the purpose of this act which are not inconsistent with the existing rules, regulations and standards.”

3. Chapter 3, Section 2(f)(ii)(A) of the Wyoming Air Quality Standards and Regulations states:
- (f) Fugitive Dust. Sources operating within the State of Wyoming are required to control fugitive dust emissions. The following control measures or any equivalent method approved by the Division Administrator shall be considered appropriate for minimizing fugitive dust:
 - (ii) Handling and Transporting of Materials.
 - (A) Any person owning, operating or maintaining a new or existing material storage, handling and/or hauling operation shall minimize fugitive dust from such an operation. Such control measures may include the application of asphalt, oil, water or suitable chemicals on unpaved roads, material stockpiles and other surfaces which can give rise to airborne dusts. Control measures for material handling may also include installation and use of hoods, fans and fabric filters to enclose and vent dusty materials.

4. On March 10, 2015, DEQ Air Quality personnel Jeff Wendt and Cindi Etcheverry visited the site and observed excessive dust in the form of a thick plume coming from the frac sand vessels.


5. Said violation consists of the failure to control fugitive dust emissions from the Boulder 11-18 PAD in violation of Chapter 3, Section 2(f) of the Wyoming Air Quality Standards and Regulations.

6. Under W.S. §35-11-901(a), any person who violates any provision of Article 2 of [the Environmental Quality Act] ... or any rule, regulation, standard or permit adopted pursuant to those provisions, or who violates any determination or order of the council pursuant to Article 2 of [the Environmental Quality Act] ... is subject to a penalty not to exceed ten thousand dollars (\$10,000.00) for each violation for each day during which the violation continues, a temporary or permanent injunction, or both a penalty and an injunction.

7. This notice is being sent to you pursuant to W.S. §35-11-701(c), which requires that, in any case of the failure to correct or remedy an alleged violation, the Director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

DATED this 22nd day of APRIL, 2015.


Steven A. Dietrich
Administrator
Air Quality Division


Todd Parfitt
Director
Department of Environmental Quality

Please direct all inquiries to Steven A. Dietrich, Administrator, Division of Air Quality, Department of Environmental Quality, Herschler Building, 2nd Floor, 122 W. 25th Street, Cheyenne, Wyoming 82002. (Telephone: 307/777-7393.)